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PTO/SB/21 (09-04)  
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

1635  
JLW

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/019,470
	Filing Date	05/09/02
	First Named Inventor	Brett P. Monia
	Art Unit	1635
	Examiner Name	James Schultz
Total Number of Pages in This Submission	Attorney Docket Number	ISIS0140-102 (RTSP-0240)

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return card
<div>Remarks</div>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Cozen O'Connor		
Signature			
Printed Name	Quan L. Nguyen		
Date	November 5, 2004	Reg. No.	46,957

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Quan L. Nguyen	Date	November 5, 2004

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0

## Complete if Known

Application Number	10/019,470
Filing Date	05/09/02
First Named Inventor	Brett P. Monia
Examiner Name	James Schultz
Art Unit	1635
Attorney Docket No.	ISIS0140-102 (RTSP-0240)

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☒ Deposit Account:

Deposit  
Account  
Number

50-1275

Deposit  
Account  
Name

Cozen O'Connor

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ ) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
6	-20 **	0	X			0
1	-3 **	0	X			0
			X			0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ ) 0

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Quan L. Nguyen	Registration No. (Attorney/Agent)	46,957	Telephone	215 665-2158
Signature		Date	November 5, 2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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DOCKET NO.: ~~ISIS0140-102~~ (RTSP-0240)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: **Monia and Cowsert**

Serial No.: 10/019,470

Group Art Unit: 1635

Filed: **May 9, 2002**

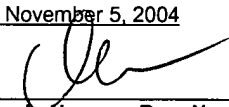
Examiner: **SCHULTZ, James**

Confirmation No: 4130

Title: **ANTISENSE MODULATION OF LIVER GLYCOGEN PHOSPHORYLASE  
EXPRESSION**

I certify that this correspondence is being deposited with the  
U.S. Postal Service as First Class mail in an envelope  
addressed to the Assistant Commissioner for Patents,  
Washington, D.C. 20231.

On November 5, 2004

  
\_\_\_\_\_  
Quan L. Nguyen Reg. No. 46,957

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

### RESPONSE TO THE RESTRICTION REQUIREMENT

The present Response is filed in regard to the Restriction Requirement mailed October 6, 2004 in connection with the above-identified patent application.

The Examiner has mistakenly restricted claims 12-14 and 16-18 into 2 groups. Group I contains claims 12-14 drawn to compositions comprising an antisense molecule 8-30 nucleobases long that hybridizes to and inhibits the expression of human liver glycogen phosphorylase. Group II contains claims 16-18 drawn to methods of treating a human

comprising administering a composition that comprises an antisense molecule 8-30 nucleobases long that hybridizes to and inhibits the expression of human liver glycogen phosphorylase. Applicants elect Group II, containing claims 16-18 with traverse.

The Office Action alleges that the inventions listed under Groups I and II do not relate to a single general inventive concept under PCT rule 13.1 and PCT rule 13.2. Specifically, the Office Action alleges that:

Claims are considered to lack Unity when the claimed special technical feature does not constitute a contribution over the prior art. In this case, the special technical feature is an antisense molecule targeted to human liver glycogen phosphorylase...[and]...Newgard *et al.* teaches a primer that is an antisense to human liver glycogen phosphorylase which meets the limitations of the broadest claim.

Office Action at page 2. (Hereinafter the above referenced Newgard *et al.* article, Proc. Natl. Acad. Sci. USA, Vol 83, pp. 8132-8136, November 1986, Biochemistry, is referred to as “the Newgard reference”).

Contrary to the Office Action’s allegation, the Newgard reference does not disclose any primer that is antisense to human liver glycogen phosphorylase, much less an antisense to human liver glycogen phosphorylase which meets the limitations of the pending claims (e.g., claim 12). If the Office persists in making such allegation, Applicants respectfully request that the Office identifies the specific texts of the Newgard reference that teaches such primer.

**DOCKET NO.: ISIS0140-102 (RTSP-0240)**

**PATENT**

Accordingly, there is Unity of Invention between Groups I and II. Further, Applicants respectfully request that the Restriction Requirement be reconsidered and that claims 12-14 and 16-18 be examined.

Respectfully submitted,



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**Quan L. Nguyen**  
Registration No. 46,957

Date: November 5, 2004

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